

BOARD OF APPEAL REFERRALS

OCTOBER 27, 1977

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6. Z-4000 City of Boston Public Facilities Department  
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651 Gallivan Boulevard, Dorchester

MEMORANDUM

October 27, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert F. Walsh, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

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Hearing: 11/1/77 Petition No. Z-3977  
Roslindale Cooperative Bank  
40 Belgrade Avenue, Roslindale  
at Amherst Street

1½-story structure - general business (B-1) and local business (L-.5) districts.

Purpose: to combine lots for drive-in bank parking facilities.

Violation:

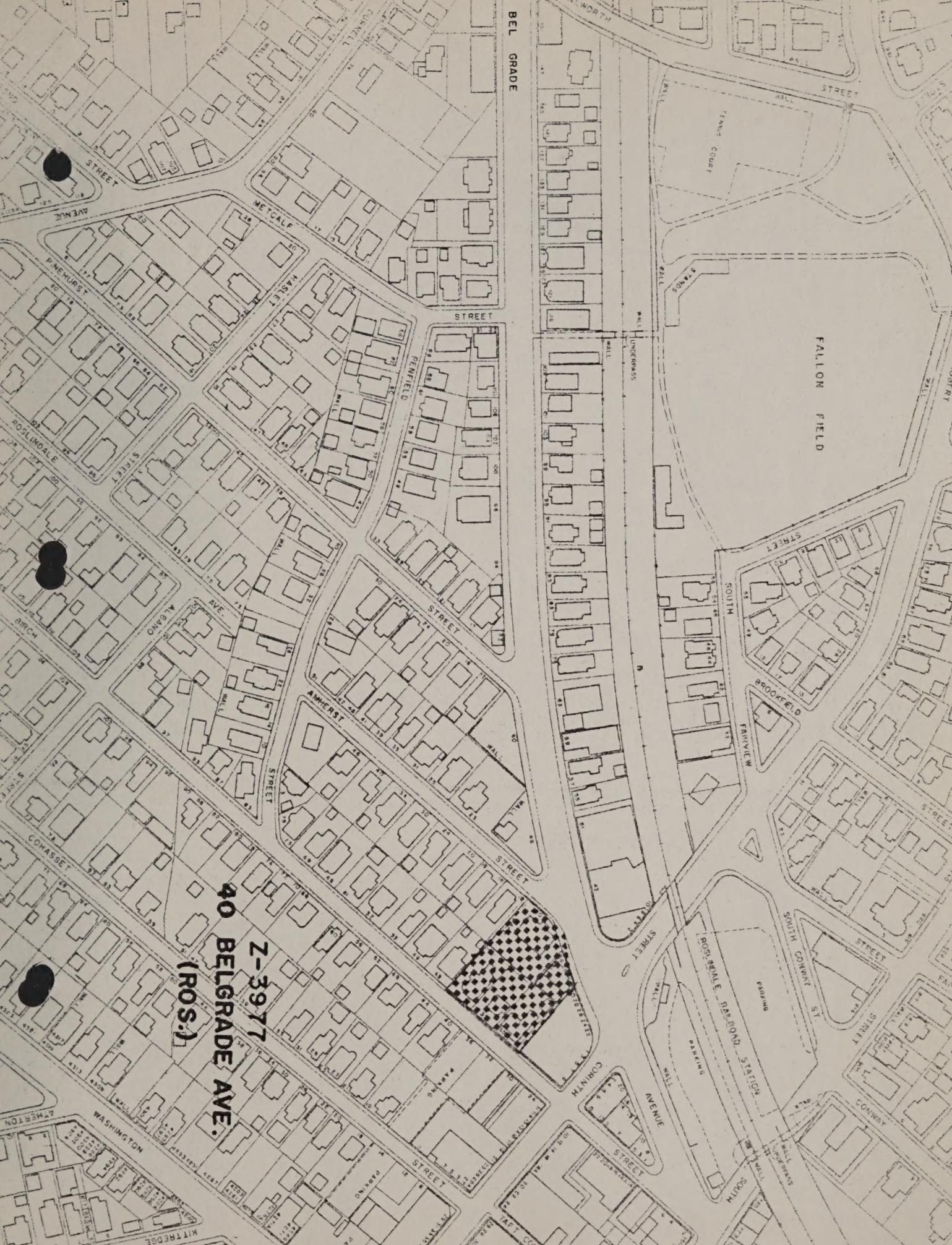
Section 8-7. A drive-in bank is conditional in L-.5 and B-1 districts.

Parking facility for 35 cars will alleviate traffic congestion on Belgrade Avenue. Roslindale Board of Trade has indicated support. Recommend approval.

VOTED: In reference to Petition No. Z-3977, brought by the Roslindale Cooperative Bank, 40 Belgrade Avenue, Roslindale, for a conditional use to combine lots for drive-in bank parking facilities in local business (L-.5) and general business (B-1) districts, the Boston Redevelopment Authority recommends approval. Parking facilities will alleviate traffic congestion on Belgrade Avenue. Roslindale Board of Trade has indicated support.

Z-3977  
40 BELGRADE AVE.  
(ROS.)

BEL GRADE



Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-3983  
Marie B. Tobin  
16 Auburn Street, Charlestown  
near Main Street

Three-story masonry row structure - apartment (H-1) district.

Purpose: to change occupancy from one- to two-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirement of lot area is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	3,500 sf	1,939 sf

Conversion will be consistent with one- and two-family residential nature of the street. No neighborhood opposition. Recommend approval.

VOTED: In reference to Petition No. Z-3983, brought by Marie B. Tobin, 16 Auburn Street, in the Charlestown Urban Renewal Area, for a forbidden use and a variance for a change of occupancy from one- to two-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. Conversion will be consistent with one- and two-family residential nature of the street. No neighborhood opposition.

16 AUBURN ST. Z-3983

(NSH3)

2862-Z



Hearing: 11/8/77

Petition No. Z-3985  
Timothy P. O'Connell  
401 Bunker Hill Street, Charlestown  
at Baldwin Street

Three-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from one- to two-family dwelling.

Violations:

Required      Proposed

Section 8-7. Any dwelling converted for more families  
which does not meet the requirements of  
lot area and open space is forbidden in  
an H-1 district.

Section 14-2. Lot area is insufficient.      6,000 sf      1,753 sf

Section 17-1. Open space is insufficient.      400 sf      393 sf

Additional unit will be consistent with existing residential occupancies  
on the street. No neighborhood opposition. Recommend approval.

VOTED: In reference to Petition No. Z-3985, brought by  
Timothy P. O'Connell, 401 Bunker Hill Street,  
in the Charlestown Urban Renewal Area, for a  
forbidden use and two variances for a change of  
occupancy from one- to two-family dwelling in  
an apartment (H-1) district, the Boston  
Redevelopment Authority recommends approval.  
Additional unit will be consistent with exist-  
ing residential occupancies on the street. No  
neighborhood opposition.

Z-3985

401 BUNKER HILL ST.

(CHSN.)



Hearing: 11/8/77

Petition No. Z-3994  
Virginia M. Leonard and  
Janice Mastrocola  
2 Adams Street, Charlestown  
near Winthrop Street

Three-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from one-family to four-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area, open space, and off-street parking is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	6,500 sf	1,675 sf
Section 17-1. Open space is insufficient.	400 sf	120 sf
Section 23-1. Off-street parking is insufficient.	4 spaces	0

Family neighborhood is concerned about transient rental units. Increased densities are creating parking problems on the street. No parking facilities will be provided for proposed apartments. A number of abutters are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3994, brought by Virginia M. Leonard and Janice Mastrocola, 2 Adams Street, Charlestown, for a forbidden use and three variances for a change of occupancy from one-family to four-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Family neighborhood is concerned about transient rental units. Increased densities are creating parking problems on the street. No parking facilities will be provided for proposed apartments. A number of abutters are opposed.



Hearing: 11/29/77

Petition No. Z-3997  
David Rib and Mart Ojama  
26 Worcester Square, Boston  
near Harrison Avenue

Four-story-plus-basement structure - apartment (H-2) district.

Purpose: to change occupancy from four to five apartments.

Violations:

Required      Proposed

Section 8-7. Any dwelling converted for more families  
which meets at least one-half the  
requirements of off-street parking is  
conditional in an H-2 district.

Section 23-1. Off-street parking is insufficient.      4 spaces      2 spaces

Conversion is consistent with similar occupancies in the neighborhood.  
Building is being substantially renovated. Local community groups have  
no objection. Recommend approval.

VOTED: In reference to Petition No. Z-3997, brought by  
David Rib and Mart Ojama, 26 Worcester Square,  
in the South End Urban Renewal Area, for a  
conditional use and a variance for a change of  
occupancy from four to five apartments in an  
apartment (H-2) district, the Boston Redevelopment  
Authority recommends approval. ~~Conversion is  
consistent with similar occupancies in the neighbor-  
hood.~~ Local community groups have no objection.

sentence  
deleted

Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-4008  
Herbert Waxman  
320 Neponset Avenue, Dorchester  
at Tolman Street

One-story masonry structure - local business (L-.5) district.

Purpose: to change occupancy from gas service station to office and outdoor display of used cars.

Violation:

Section 8-6. A change from a conditional use to a nonconforming use requires Board of Appeal hearing.

Proposed display and sale of 25 used cars at this site (abutting playground and opposite fire station) is inappropriate, would intensify traffic, and is opposed by local civic and neighborhood associations. Recommend denial.

VOTED: In reference to Petition No. Z-4008, brought by Herbert Waxman, 320 Neponset Avenue, Dorchester, for a change from a conditional use to a nonconforming use for a change of occupancy from gas service station to office and outdoor display of used cars in a local business (L-.5) district, the Boston Redevelopment Authority recommends denial. The proposed use is inappropriate at this site (abutting playground and opposite fire station), would intensify traffic, and is opposed by local civic and neighborhood associations.

Z-4008

320 NEPONSET AVE.  
INNIS

EXPRESS



Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-4012  
Fitzgerald Investment Trust  
55-83 Purchase and  
165-179 High Streets, Boston

Parking lot - general business (B-10) district.

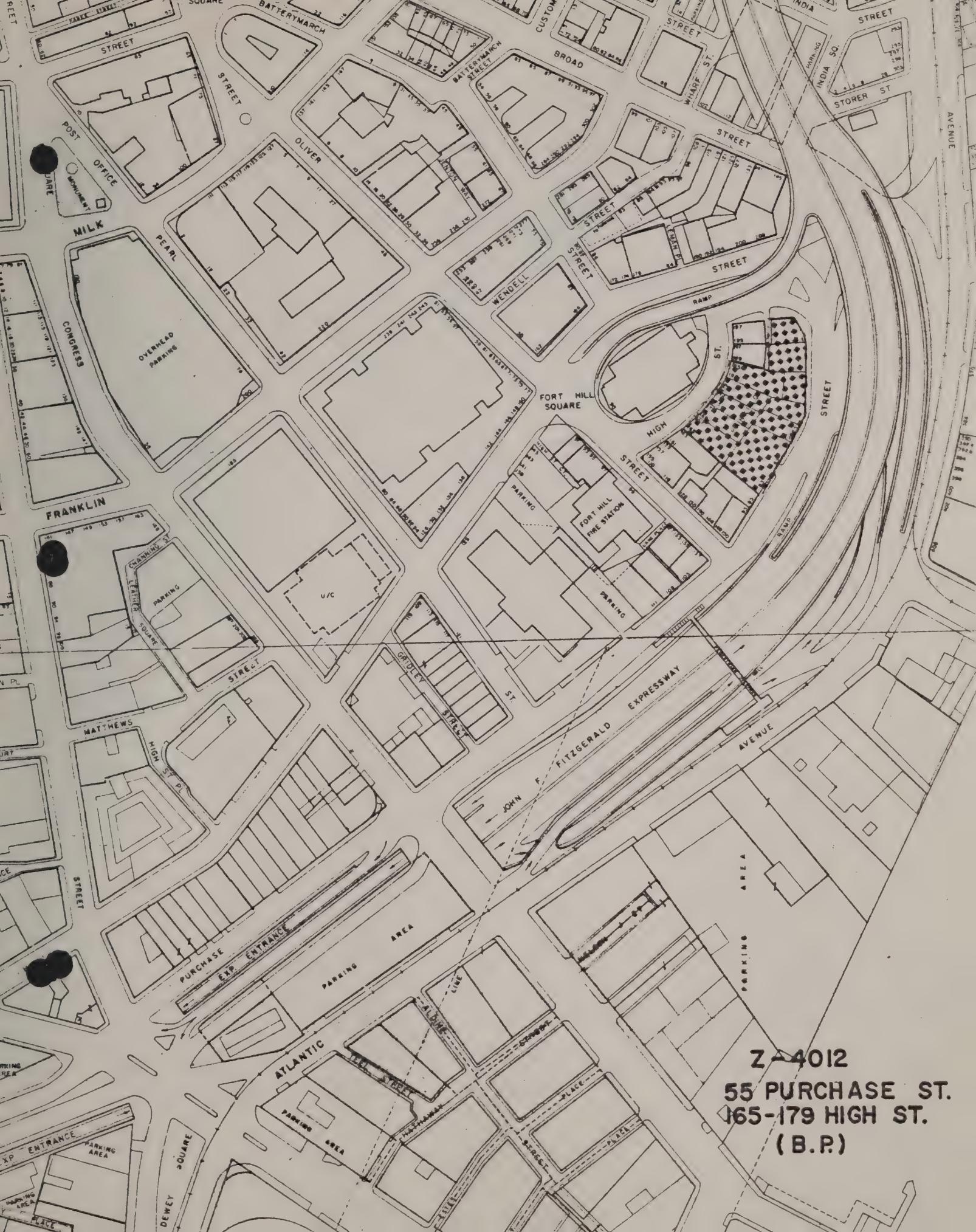
Purpose: to erect portable office on concrete foundation for car rental agency.

Violation:

Section 8-7. A rental agency for motor vehicles is conditional in a B-10 district.

Car rental office will occupy a small area within the confines of an open air public parking facility. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4012, brought by the Fitzgerald Investment Trust, 55-83 Purchase and 165-179 High Streets, Boston, for a conditional use to erect a portable car rental agency office in a general business (B-10) district, the Boston Redevelopment Authority recommends approval with the following provisos: that there be no storage of gasoline or washing/repair of vehicles on the premises; that an equal number of public parking spaces be eliminated to provide for the rental vehicle storage space and the number reported to the Boston Air Pollution Control Commission in conformance with the parking freeze area.



Z-4012  
55 PURCHASE ST.  
65-179 HIGH ST.  
(B.P.)

Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4013  
Robert Aiello Trust  
37 Fairfield and  
239-243 Newbury Streets, Boston

Three-story structure (two-family dwelling and store) - general business  
(B-4-70) district.

Purpose: to erect one-story aluminum and glass addition to two-family  
and store structure.

Violation:

Required      Proposed

Section 19-6. Front yard is insufficient.      20 ft.      4 ft.

Glass-enclosed lean-to structure would be temporary and would be used for  
the retail sale of produce as an extension of existing food store. Back  
Bay Architectural Commission has voted approval. Recommend approval with  
provisos.

VOTED: In reference to Petition No. Z-4013, brought by  
the Robert Aiello Trust, 37 Fairfield and 239-  
243 Newbury Streets, Boston, for a variance to  
erect a one-story addition to a two-family dwell-  
ing and store structure in a general business  
(B-4-70) district, the Boston Redevelopment  
Authority recommends approval with the following  
provisos: that the setback be at least sixteen  
feet from the existing inside curb line; that  
the space be used for the display of produce  
only and not for the display of packaged goods;  
that the existing freestanding sign at the cor-  
ner be removed; that the use terminate upon  
sale, lease, or change in use.

Z-4013  
37 FAIRFIELD  
239-243 NEWBURY ST.  
(B.P.)



Hearing: 11/8/77

Petition No. Z-4014  
Rudy A. Fleischhacker  
15 Elko Street, Brighton  
near Cambridge Street

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from one-family dwelling to group residence for six to eight children and two staff members.

Violations:

Required      Proposed

Section 8-7. A dormitory not accessory is conditional in an R-.5 district.

Section 14-2. Lot area is insufficient.      14,000 sf      5,447 sf

Children will participate in Chapter 766 programs at various schools. Facility meets recently approved Authority criteria: licensed by State Office for Children under contract with Massachusetts Mental Health Center, continue to pay full taxes, not within 2,000 feet of nearest similar facility. The issue is controversial. One abutter indicates opposition; others are amenable. Recommend that Board of Appeal hold decision in abeyance until the Authority has negotiated a cooperation agreement with the appropriate State agencies in accordance with the Board vote of October 13, 1977.

VOTED: In reference to Petition No. Z-4014, brought by Rudy A. Fleischhacker, 15 Elko Street, Brighton, for a conditional use and a variance for a change of occupancy from one-family dwelling to group residence for six to eight children and two staff members in a residential (R-.5) district, the Boston Redevelopment Authority recommends that decision on the appeal be held in abeyance until appropriate State agencies have executed a cooperation agreement regarding group care facilities, their location, tax payments, and operation in accordance with the BRA Board vote of October 13, 1977.

Z-3997 26 WORCESTER SQ.

(B.P.)

PARKING  
AREA

Board of Appeal Referrals 10/27/77

Hearing: 11/29/77

Petition No. Z-4000  
City of Boston - Public Facilities  
Department  
E. Denis Walsh, developer  
380 Dorchester Street, South Boston  
at Rogers Street

3½-story masonry structure - apartment (H-1) and local business (L-1) districts.

Purpose: to change occupancy from school to 32 apartments.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 14-2. Lot area insufficient.	36,000 sf	25,192 sf
Section 23-1. Off-street parking is insufficient.	29 spaces	0

The former John Andrew School is subject to vandalism and has become a public nuisance. Developer has met with community groups and indicated the units would be restricted to elderly occupancy. Site is proximate to Andrew Square. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4000, brought by the City of Boston Public Facilities Department, 380 Dorchester Street, South Boston, for two variances for a change of occupancy from school to 32 apartments in apartment (H-1) and local business (L-1) districts, the Boston Redevelopment Authority recommends approval with the following provisos: that the 32 units be restricted to elderly occupancy; that adequate off-street parking be provided; that plans be submitted to the Authority for design review.



Board of Appeal Referrals 10/27/77

Hearing: 11/29/77

Petition No. Z-4001  
C C & F Summer Street Trust  
92-138 Summer Street, Boston  
at Devonshire Street

33-story structure - general business (B-10) district.

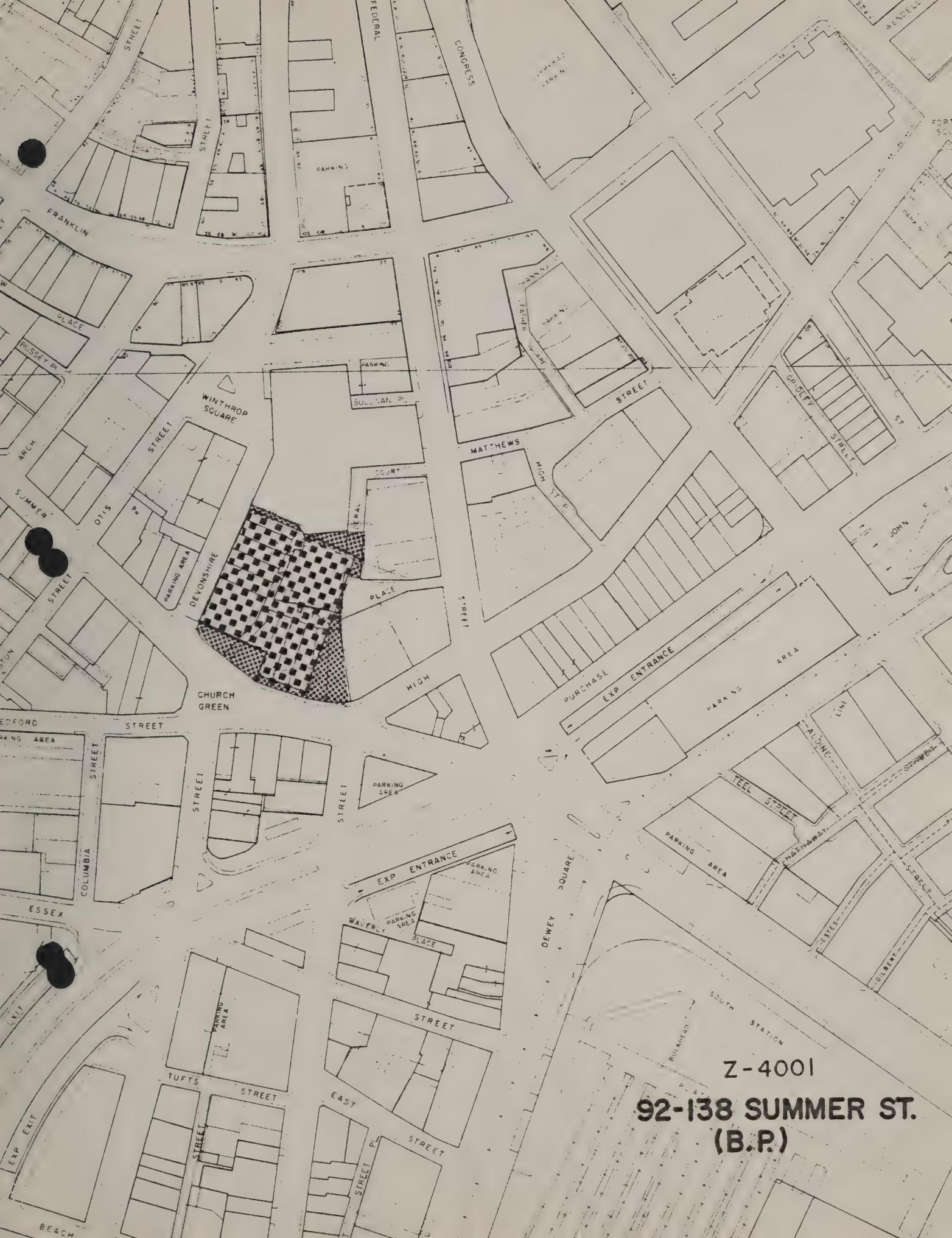
Purpose: to erect a free-standing sign.

Violation:

Section 11-2. Free-standing sign not allowed in a B-10 district.

The sign, in the form of a steaming kettle, would advertise a street-level restaurant. Because of structural facade problems, the "kettle" must be attached to a pole close to but independent of the building. Proposal would have no adverse effect on this commercial area and complies with conditional use requirements. Recommend approval.

VOTED: In reference to Petition No. Z-4001, brought by C C & F Summer Street Trust, 92-138 Summer Street, Boston, for a conditional use to erect a free-standing sign in a general business (B-10) district, the Boston Redevelopment Authority recommends approval. Sign would have no adverse effect on this commercial area and complies with conditional use requirements.



Z-4001

92-138 SUMMER ST.  
(B.P.)

*As Amended*

Board of Appeal Referrals 10/25/77

Hearing: 11/1/77

Petition No. Z-4005  
Cerbert Grant  
1360-1366 Blue Hill Avenue, Mattapan  
at Babson Street

One-story masonry structure - local business (L-1) district.

Purpose: to change occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting.

Violations:

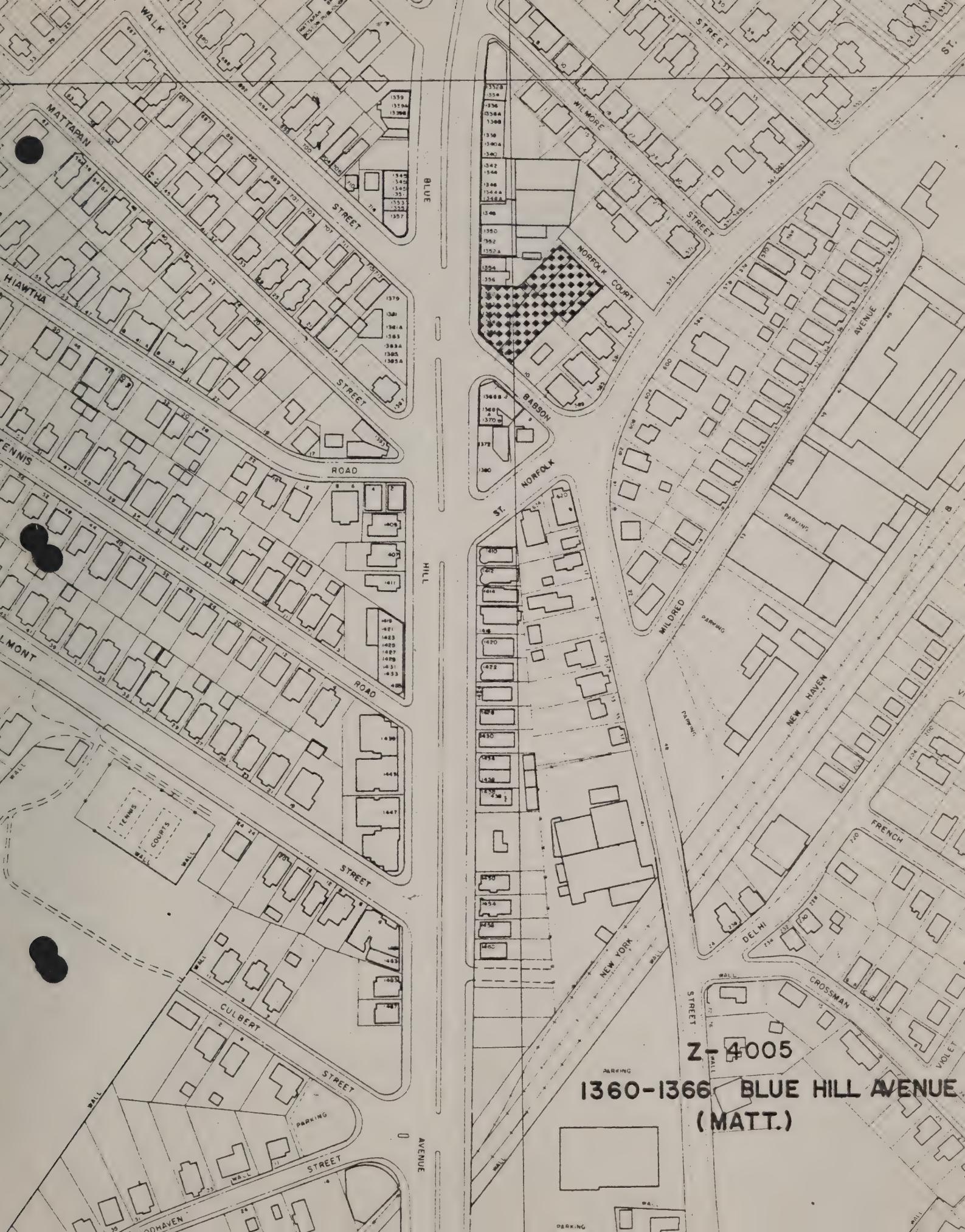
Section 8-7. A repair garage including body work and spray painting is conditional in an L-1 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal approval.

Proposal would eliminate the food product distribution use, which is incompatible with existing uses. Spray booth would be constructed within the structure. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4005, brought by Cerbert Grant, 1360-1366 Blue Hill Avenue, Mattapan, for a conditional use and a change in a nonconforming use for a change of occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with following provisos: that the repair shop be sufficiently sound-insulated to confine all noise and that all odors be effectively confined; that all work be performed within the structure; that vehicular storage and parking of employee and customer cars be within the structure; that the hours of operation be no earlier than 8 A.M. and no later than 6 P.M., Monday through Saturday.

VOTED: to table Petition No. Z-4005, and that the Boston Redevelopment Authority ask that the Board of Appeal take no action until such time as the Redevelopment Authority further corresponds with the Board of Appeal, and in the interim Mr. Wenniger will determine what the neighborhood feeling is and also contact the Little City Halls.





Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4016  
Morris Realty Trust  
3446 Washington Street, Jamaica Plain  
at Kenton Road

32,000 square feet of land - local business (L-.5) district.

Purpose: to erect gas service station.

Violations:

Required      Proposed

Section 8-7. A gas service station is conditional in  
an L-.5 district.

Section 18-1. Front yard is insufficient.      15 ft.      0

Site is inappropriate; facility would be located across the street from  
the recreation areas of the new Jamaica Plain High School now under  
construction. A similar facility abuts the site at Kenton Road. Proposal  
would intensify traffic and congestion on Washington Street, create  
vehicular and pedestrian hazards, and impair residential revitalization  
efforts. Overwhelming community opposition. Recommend denial.

VOTED: In reference to Petition No. Z-4016, brought by  
the Morris Realty Trust, 3446 Washington Street,  
Jamaica Plain, for a conditional use and a  
variance to erect a gas service station in a  
local business (L-.5) district, the Boston  
Redevelopment Authority recommends denial. Site  
is inappropriate; facility would be located  
across the street from the recreation areas of  
the new Jamaica Plain High School now under  
construction. A similar facility abuts the site  
at Kenton Road. Proposal would intensify traffic  
and congestion on Washington Street, create  
vehicular and pedestrian hazards, and impair  
residential revitalization efforts. Overwhelming  
community opposition.

Z-4016

3446 WASHINGTON ST.

(J.R.)



Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4020  
Petroleum Marketing Corporation  
651 Gallivan Boulevard, Dorchester  
at Marsh Street

One-story vacant structures - local business (L-.5) district.

Purpose: to combine lots; to erect self-service gas station.

Violations:

Required      Proposed

Section 8-7. A self-service gas station is conditional  
in an L-.5 district.

Section 18-1. Front yard is insufficient.      15 ft.      0

Section 20-7. Rear yard is insufficient.      15 ft.      0

Use would have a detrimental effect on the adjacent residential areas  
and aggravate existing acute traffic conditions. Cedar Grove Civic  
Association and neighborhood groups are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-4020, brought by  
the Petroleum Marketing Corporation, 652 Gallivan  
Boulevard, Dorchester, for a conditional use and  
two variances to erect a self-service gas station  
in a local business (L-.5) district, the Boston  
Redevelopment Authority recommends denial. Use  
would have a detrimental effect on the adjacent  
residential areas and aggravate existing acute  
traffic conditions. Cedar Grove Civic Association  
and neighborhood groups are opposed.

Z-4020  
651 GALLIVAN BLVD.  
(DOR.)

JOHN MC. KEON  
SQUARE

STREET

6

